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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,663	08/06/2001	John C. New JR.	500767.01	1537
27076	7590	01/27/2006		
DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT SUITE 3400 1420 FIFTH AVENUE SEATTLE, WA 98101			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2154	PAPER NUMBER
DATE MAILED: 01/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,663	Applicant(s) NEW ET AL.	
	Examiner Mohammad A. Siddiqi	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/04/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-34 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/2005 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (6,449,719) (hereinafter Baker) in view of Safadi et al. (6,810,525) (hereinafter Safadi).

5. As per claim 1, Baker discloses a method for providing access to computer resources on a computer system, comprising:

initiating execution of a remote application manager component on the computer system (client can be controlled, 200, fig 2, col 5, lines 40-56; col 1, lines 56-67, col 2, lines 1-17, opening a connection and sending token and user information step were accomplished prior to initiating execution of remote application manager);

under control of the remote application manager component (client can be controlled, 200, fig 2, col 5, lines 40-56),

decrypting at the computer system (decryption module, 160, fig 1) the token and authenticating a user of the computer system using authentication information stored in the token (col 5, lines 1-11);

verifying whether the user is authorized to use the requested computer resource using authorization information stored in the token (user verification, col 2, lines 1-17);

Baker fails to disclose generating a token containing encrypted user information including credit, authorization, and authentication information;

initiating a request to open a computer resource stored on the computer system, the computer resource being encrypted; verifying whether the user has sufficient credit contained in the token to use the requested computer resource using credit information stored in the token; when the user is authenticated, authorized, and has sufficient credit, decrypting and opening the requested computer resource; monitoring the usage of the opened computer resource to determine whether the user has sufficient credit to continue using the computer resource; and providing a notification when the monitored usage of the opened computer resource has exceeded the credit. However, Safadi discloses generating a token containing encrypted user information including credit, authorization, and authentication information (col 1, lines 65-67, col lines 1-5);

initiating a request to open a computer resource stored on the computer system, the computer resource being encrypted (col 2, lines 1-18);

verifying whether the user has sufficient credit contained (server for authentication, col 2, lines 47-55 and col 3, lines 10-17) in the token to use the requested computer resource using credit information stored in the token (entitled token may be generated, col 2, lines 48-63 and col 3, lines 10-17);

when the user is authenticated, authorized, and has sufficient credit (col 3, lines 10-17), decrypting and opening the requested computer resource (col 5, lines 13-27);

monitoring the usage of the opened computer resource to determine whether the user has sufficient credit to continue using the computer resource (access controller, col 6, lines 23-38); and providing a notification when the monitored usage of the opened computer resource has exceeded the credit (credit entitlement and control of the purchasable service, col 5, lines 42-65). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Baker and Safadi. The motivation would have been developing a system protect software/content provider companies revenue stream by using smart token technologies.

6. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Safadi discloses generating a token comprises collecting authentication, authorization, and credit information from the user and storing the information in respective fields in a binary file, and thereafter encrypting the binary file to generate the token (Data Encryption Standards, col 2, lines 48-63).

7. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Safadi discloses the token is stored on a smart card that the remote application module component accesses to retrieve and decrypt the token (subscriber terminal, col 2, lines 7-10).

8. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses initiating a request to open a computer resource comprises clicking on an application icon (110, fig 1, col 7, lines 29-41).

9. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses initiating execution of a remote application manager component occurs in response to initiating a request to open a computer resource (col 5, lines 1-10; lines 40-56).

10. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Safadi discloses the token and the computer resource have been encrypted using the public key encryption methodology (col 2, lines 53-55).

11. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses wherein the computer resource comprises an application module (col 5, lines 1-10, lines 40-56).

12. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses the application module comprises an entire executable application program that is stored in encrypted form on the computer system (col 4, lines 31-36; lines 44-67; col 5, lines 1-11).

13. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses monitoring the usage of the opened computer resource comprises monitoring how long the user has been using the computer resource (col 7, lines 42-54).

14. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Safadi discloses providing a notification when the monitored usage of the opened computer resource has exceeded the credit comprises displaying a visual message to the user instructing the user to save his work and indicating his credit has been depleted (absolute visibility, col 6, lines 60-65).

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15. As per claim 11, the claim is rejected for the same reasons as claim 1, above.

16. As per claim 12, the claim is rejected for the same reasons as claim 3, above.

17. As per claim 13, the claim is rejected for the same reasons as claim 4, above.

18. As per claim 14, the claim is rejected for the same reasons as claim 6, above.

19. As per claim 15, the claim is rejected for the same reasons as claim 7, above.

20. As per claim 16, the claim is rejected for the same reasons as claim 8, above.

21. As per claim 17, the claim is rejected for the same reasons as claim 9, above.

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22. As per claim 18, the claim is rejected for the same reasons as claim 10, above.

23. As per claim 19, the claim is rejected for the same reasons as claim 1, above.

24. As per claim 20, the claim is rejected for the same reasons as claim 2, above.

25. As per claim 21, the claim is rejected for the same reasons as claim 4, above.

26. As per claim 22, the claim is rejected for the same reasons as claim 6, above.

27. As per claim 23, the claim is rejected for the same reasons as claim 7, above.

28. As per claim 24, the claim is rejected for the same reasons as claim 8, above.

29. As per claim 25, the claim is rejected for the same reasons as claim 9, above.

30. As per claim 26, the claim is rejected for the same reasons as claim 10, above.

31. As per claim 27, the claim is rejected for the same reasons as claim 1, above.

32. As per claim 28, the claim is rejected for the same reasons as claim 27, above. In addition, Safadi discloses the request to initiate execution of a selected one of the computer resources comprises a request to initiate execution of a computer resource component not found on the client system, and the remote application manager component is further operable to contact a server system responsive to this request to initiate transfer of the selected computer resource component to the client system along with an updated token component including updated authorization information for the computer resource component (conditional access, col 4, lines 27-45).

33. As per claim 29, the claim is rejected for the same reasons as claim 27, above. In addition, Safadi discloses the remote application manager is

further operable to contact a server system when the credit contained in the token component is insufficient to initially open or to continue executing the selected computer resource component to initiate transfer of an updated token component including updated credit information to the client system (col 4, lines 27-45 and col 5, lines 1-27).

34. As per claim 30, the claim is rejected for the same reasons as claim 27, above. In addition, Safadi discloses the token component comprises a smart card on which the token is stored and a card reader that is adapted to read the token stored on the smart card and supply the read token to the remote application manager component (secure processor, col 6, lines 42-60).

35. As per claim 31, Safadi discloses the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses a computer resource component including a plurality of computer resource to be transferred to client computers (elements of fig 1, col 7, lines 29-41); and an accounting and billing component that is operable to receive user credit information and to verify user credit based upon such received information (col 5, lines 13-20), the accounting and billing component providing a credit

approval output indicating the results of the credit verification (col 3, lines 57-67);

and a client interface component that is operable to receive client requests from client computers and to provide credit information contained in such requests to the accounting and billing component (600, fig 5), and when the credit approval output indicates the user's credit has been approved the client interface component providing credit and user information to the token generation component and receiving the generated token from the token generation component (elements of fig 6, col 8, lines 51), the client interface component further operable to select computer resources using information contained in the client requests and to encrypt each selected computer resource (col 7, lines 29-41), the client interface module transferring the token and the encrypted selected computer resources to the client computer along with a remote application manager component (elements of fig 1).

36. As per claim 32, the claim is rejected for the same reasons as claim 31, above. In addition, Safadi discloses the computer resource component includes a plurality of application programs (col 3, lines 55-67).

37. As per claim 33, the claim is rejected for the same reasons as claim 31, above. In addition, Baker discloses each of the application programs includes all necessary system files for execution (elements of fig 2).

38. As per claim 34, the claim is rejected for the same reasons as claim 31, above. In addition, Safadi discloses the client interface component is adapted to receive HTTP requests from client computers and each client request is received as one or more such HTTP requests (internet, col 5, lines 43-48).

Response to Arguments

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,918,113

U.S. Patent 5,850,442

U.S. Pub 2002/0112171

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

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